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Paper No. 8

WITHROW & TERRANOVA PLLC PO BOX 1287 **CARY NC 27512**

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JUL 0 1 2002

OFFICE OF PETITIONS

In re Application of

Lang, et al.
Application No. 09/853,827
Filed: May 11, 2001
Attorney Docket No. 4989-009
Title: AUTOMATIC CONFIGURATION FOR

PORTABLE DEVICES

DECISION ACCORDING STATUS

UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed June 10, 2002.

The renewed petition under 37 CFR 1.47(a) is **FRANTED**.

The above-identified application was filed on May 11, 2001. Or July 11, 2001, petitioner was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, petitioner filed a petition under 37 CFR 1.47(a) (and fee) and paid the surcharge for late filing of the declaration. To make timely this reply, applicant obtained a two month extension of time and included a Certificate of Mailing dated November 13, 2001 (November 11 was a Sunday, November 12 was a federal holiday). Accompanying the petition was a declaration by Joppifer Push detailing the facts concerning coming the periods. Jennifer Rush, detailing the facts concerning co-inventors Lang's, Sharp's, and Adkins' refusal to sign the declaration. However, the petition was dismissed in a decision mailed on April 17, 2002. Petitioner was not successful in showing that a copy of the application papers (specification, claims, and drawings) were presented to the non-signing inventors.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor(s) cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor(s).

On renewed petition, petitioner has supplied copies of cover letters addressed to non-signing inventors Lang, Sharp, and Adkins, dated April 25, 2002, which transmitted the application

papers. Petitioner has also included a declaration from paralegal Jennifer Rush, the person responsible for forwarding the application papers. According to Rush, as of June 10, 2002, no response from the non-signing inventors has been received.

The declaration filed January 29, 2002 and the petitions filed January 29, 2002 and June 10, 2002 have been reviewed and found to be in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office wall forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to the Office of Initial Patent Examination (OIPE) for continuation of pre-examination processing.

Telephone inquiries related to this decision may be directed to Patitions/Attorney Cliff Congo at (703) 305-0272.

Beverly M. Flanagan Supervisory Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner for Patent Examination Policy